THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26923 OF 1996

ORAL ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in seeking to acquire the land of the petitioner to an extent of Ac.1.36 gts. situated in Sy.No.163 of Parimandal village, without following the procedure prescribed under the Land Acquisition Act, 1894 (for short "the Act"), is arbitrary and illegal.

The petitioner alleges that no notification under Section 4(1) of the Act was published, but a declaration was made under Section 6 of the Act, on 5.7.1996, stating that the land in question is required for a public purpose for allotment of house sites to the weaker sections. It is contended that the claim of the respondents that the land is required for public purpose is not correct and at any rate there is absolutely no justification to invoke the urgency clause thereby depriving the affected parties an opportunity to put forth their objections.

This Court while directing *Rule nisi* granted interim stay of dispossession, which continued to be in force throughout. The learned Government Pleader under instructions stated that as on today the petitioner is continuing in possession.

In the circumstances, I deem it appropriate to dispose of the writ petition by setting aside the impugned declaration dated 5.7.1996 made under Section 6 of the Act and leaving it open to the respondents to conduct the enquiry under Section 5-A of the Act, and thereafter take appropriate further steps in accordance with law. The petitioner is granted liberty to submit her objections, if any, within four weeks from the date of receipt of a copy of this order. No costs.

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19th December, 2006. **(G. ROHINI).**

Kgr

THE HON'BLE Ms. JUSTICE G. ROHINI

WRIT PETITION No.26923 OF 1996

19th December, 2006.

Between:

Lakshmi Bai. .. Petitioner.

And

The Government of Andhra Pradesh,
Represented by its Secretary,
Revenue Department,
Secretariat Buildings, Hyderabad and others. ..
Respondents.